



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,823	04/06/2000	Stephane Herman Maes	YO999-478	9287

7590 10/10/2003

William E Lewis
Ryan & Mason LLP
90 Forest Avenue
Locust Valley, NY 11560

EXAMINER

BLAIR, DOUGLAS B

ART UNIT	PAPER NUMBER
----------	--------------

2142

DATE MAILED: 10/10/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/544,823

Applicant(s)

MAES ET AL.

Examiner

Douglas B Blair

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-91 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-91 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2142

DETAILED ACTION

Response to Amendment

1. Claims 1-91 are currently pending in the application.
2. Claim objections and USC 112 rejections have been withdrawn in view of the applicants' amendment..

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-29, 34, 36-73, 78, 80-87, and 90-91 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,269,336 to Ladd et al..
5. Ladd teaches the invention as claimed (As in exemplary claim 90) including a browser apparatus for use in providing access to an application by a user through one or more computer-

Art Unit: 2142

based devices, comprising a machine readable medium containing computer executable code (col. 2, lines 27-58) which when executed permits the implementation of the steps of: obtaining the application from an application server, the application being programmatically represented by interaction that the user is permitted to have with one or more computer-based devices by interaction-based programming components, wherein the interaction-based programming components are independent of content/application logic and presentation requirements associated with the application (col. 12, lines 7-24); and transcoding the interaction-based programming components on a component by component basis to generate one or more modality specific renderings of the application on the one or more computer-based devices (col. 12, lines 7-24).

6. As to claims 1, 44, and 91, they feature the same limitations as claim 90 and are thus rejected on the same basis as claim 90.

7. As to claim 45, Ladd teaches an apparatus wherein one or more processors are distributed over the one or more computer-based devices (col. 5, lines 20-35).

8. As to claim 46, Ladd teaches an apparatus wherein at least a portion of the application is to be downloaded from a server to at least one of computer-based device, acting as a client, further comprising the step of including code in the application operative to provide a connection to the content/application logic resident at the server (col. 14, lines 10-35).

9. As to claim 47, Ladd teaches an apparatus wherein the content/application logic connection expresses at least one of one or more data models, attribute constraints and validation rules associated with the application (col. 14, lines 18-42).

Art Unit: 2142

10. As to claim 48, Ladd teaches an apparatus wherein one or more modality specific rendering comprise a speech-based representation of portions of the application (col. 14, lines 18-56).

11. As to claim 50, Ladd teaches one or more modality-specific renderings comprising a visual-based representation of portions of the application (col. 3, lines 40-57).

12. As to claim 51, Ladd teaches a visual-based representation based on HTML (col. 3, lines 58-61, Web browsers interpret HTML).

13. As to claims 52-54, Ladd teaches user interactions declaratively and imperatively represented by the interaction-based programming components (col. 5, lines 8-11, XML is both imperative and declarative language).

14. As to claim 55, Ladd teaches interaction-based programming components comprising basic elements associated with a dialog that may occur between the user and one or more computer-based devices (col. 12, lines 25-67).

15. As to claim 56 Ladd teaches interaction based programming components comprising complex elements, the complex elements being aggregations of two or more of the basic elements associated with the dialog that may occur between the user the one or more computer-based devices (col. 12, lines 25-67).

16. As to claim 57, Ladd teaches interaction-based programming components represent conversational gestures (col. 12, lines 30-67).

17. As to claim 58, Ladd teaches conversational gestures comprising a gesture for encapsulating contextual informational messages to the user (col. 12, lines 30-67).

Art Unit: 2142

18. As to claim 59, Ladd teaches conversational gestures comprising a gesture for encapsulating contextual help information (col. 12, lines 30-67).
19. As to claim 60, Ladd teaches conversational gestures comprising a gesture for encapsulating actions to be taken upon successful completion of another gesture (col. 12, lines 30-67).
20. As to claim 61, Ladd teaches conversational gestures comprising a gesture for encapsulating yes or no based questions (col. 12, lines 30-67).
21. As to claim 62, Ladd teaches conversational gestures comprising a gesture for encapsulating dialogues where the user is expected to select from a set of choices (col. 12, lines 30-67).
22. As to claim 63, Ladd teaches a gesture comprising a subelement that represents the set of choices (col. 12, lines 30-67).
23. As to claim 64, Ladd teaches a gesture comprising a subelement that represents a test that the selection should pass (col. 12, lines 30-67).
24. As to claim 65, Ladd teaches a gesture comprising a subelement that represents an error message to be presented if the test fails (col. 12, lines 30-67).
25. As to claim 66, Ladd teaches conversational gestures comprising a gesture for encapsulating rules for validating results of a given conversational gesture (col. 18, lines 56-65).
26. As to claim 67, Ladd teaches conversational gestures comprising a gesture for encapsulating grammar-processing rules (col. 18, lines 56-65).

Art Unit: 2142

27. As to claim 68, Ladd teaches conversational gestures comprising a gesture for encapsulating dialogues that help the user navigate through portions of the application (col. 12, lines 30-67).

28. As to claim 69, Ladd teaches conversational gestures comprising a gesture for encapsulating a request for at least one of user login and authentication information (col. 21, lines 25-40).

29. As to claim 70, Ladd teaches conversational gestures comprising a request for constrained user input (col. 12, lines 30-67).

30. As to claim 71, Ladd teaches conversational gestures comprising a request for unconstrained user input (col. 12, lines 30-67).

31. As to claim 72, Ladd teaches conversational gestures comprising a gesture for controlling submission of information (col. 12, lines 30-67).

32. As to claim 73, Ladd teaches a step of providing a mechanism for defining logical input events and the association between the logical input events and physical input events that trigger the defined logical input events (col. 14, lines 18-35).

33. As to claim 78, Ladd teaches a representation wherein the interaction-based programming components supports a natural language understanding environment (col. 14, lines 18-35).

34. As to claim 80, Ladd teaches a step of including code for permitting changes to rules for transcoding on a component by component basis to generate the one or more modality specific renderings of the application on the one or more computer-based devices (col. 4, lines 25-36).

35. As to claim 81, Ladd teaches a definition of an underlying data model being populated is separated from a markup language defining user interaction (col. 8, lines 13-34).

Art Unit: 2142

36. As to claim 82, Ladd teaches a node_id attribute attached to each component and the attribute is mapped over to various outputs (col. 25, lines 1-40, Each user has a globally unique ID which is associated with various attributes.).

37. As to claim 83, Ladd teaches an author provided with a pass through mechanism to encapsulate modality-specific markup components (col. 5, lines 1-11).

38. As to claim 84, Ladd teaches components which may be active in parallel (col. 4, lines 25-36).

39. As to claim 85, Ladd teaches a representation and transcoding as being extensible (col. 5, lines 1-11).

40. As to claim 86, Ladd teaches a state of the application being encapsulated (col. 5, lines 1-11).

41. As to claim 87, Ladd teaches a representation permitted to reference the dynamically generated data and supports callback mechanisms to the content/application logic (col. 12, lines 30-67).

42. As to claims 2-29, 34, and 36-41, these claims have the same limitations claims 46-73, 78, and 80-87 and are thus rejected on the same basis as claims 46-73, 78, and 80-87.

43. As to claim 42, Ladd teaches a state of an application encapsulated (col. 18, lines 1-10).

44. As to claim 43, Ladd teaches a representation permitting reference to dynamically generated data and supporting callback mechanisms to the content/application logic (col. 12, lines 30-67).

Art Unit: 2142

45. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

46. Claims 5 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,269,336 to Ladd et al. in view of the article entitled "New VXML Forum" posted at Cover Pages Hosted by Oasis.

47. As to claim 49, Ladd teaches an apparatus wherein a speech based representation is based on voice XML (col. 5, lines 8-11); however, Ladd does not specifically teach the use of VoiceXML.

The article entitled "New VXML Forum" teaches the use of VoiceXML.

It would have been obvious for one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Ladd regarding a speech application system with VoiceXML because VoiceXML is a functionally equivalent alternative language to the VoxML discussed by Ladd in col. 5, line 10.

As to claim 5, it features the same limitation as claim 49 and is thus rejected for the same reason as claim 49.

48. Claims 31-32 and 75-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,269,336 to Ladd et al. in view of U.S. Patent Number 6,569,207 to Sundarsesan.

Art Unit: 2142

49. As to claim 75, Ladd does not explicitly teach the use of a Java Bean for transcoding components.

Sundarsesan teaches the use of a Java Bean for transcoding components (col. 9, lines 6-37).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Ladd regarding a speech application system with the Java and Java Beans because Java provides multi-platform functionality to an application.

50. As to claim 76, Ladd does not explicitly teach the use of a Java Server Pages for transcoding components.

Sundarsesan teaches the use of Java Server Pages for transcoding components (col. 12, lines 29-49).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Ladd regarding a speech application system with the Java and Java Server Pages because Java provides multi-platform functionality to an application and Java Server Pages provide similar functionality to XML.

51. As to claims 31-32, they feature the same limitations as claims 75-76 and are rejected on the same basis as claims 75-76.

52. Claims 30 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,269,336 to Ladd et al. in view of the World Wide Web Consortium document entitled "Extensible Stylesheet Language (XSL) version 1.0" (hereinafter referred to as "XSL version 1.0 specification").

Art Unit: 2142

53. As to claim 74, Ladd teaches the apparatus of claim 74; however Ladd does not teach the use of XSL.

The XSL version 1.0 specification teaches component transcoding performed in accordance with XSL transformation rules (Overview, page 7).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Ladd regarding a speech application system with XSL because XSL reduces the amount of code needed to create XML objects (Overview, page 7).

54. As to claim 30, it features the same limitation of claim 74 and is thus rejected on the same basis as claim 74.

55. Claims 33, 77, and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,269,336 to Ladd et al. in view of U.S. Patent Number 6,493,758 to McLain.

56. As to claim 77, Ladd teaches the apparatus of claim 44; however, Ladd does not explicitly teach synchronization.

McLain teaches an apparatus with a representation by interaction-based programming components permitting synchronization of one or more modality-specific renderings of an application on one or more computer-based devices (col. 3, lines 40-65).

It would have been obvious to one of ordinary skill in the Computer Networking art to combine the teachings of Ladd regarding a speech application system with the teachings of McLain regarding synchronization because synchronization ensures that the application will be provided with up to date data (McLain, col. 4, lines 1-6).

Art Unit: 2142

57. As to claims 33 and 88, they feature similar limitations to claim 77 and are rejected on the same basis as claim 77.

58. Claims 35, 79, 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,269,336 to Ladd et al. in view of U.S. Patent Number 6,456,974 to Baker et al..

59. As to claim 79, Ladd teaches the apparatus of claim 44; however, Ladd does not explicitly teach display aspects.

Baker teaches code for permitting cosmetic altering of a presentational feature associated with one or more modality-specific renderings of an application on one or more computer-based devices in an integrated speech based browsing system (col. 3, lines 7-32).

It would have been obvious to one of ordinary skill in the Computer Networking art to combine the teachings of Ladd regarding a speech application system with the teachings of Baker regarding cosmetic altering changes because combining speech with cosmetic aspects creates smarter user interfaces (Baker, col. 1, lines 15-41).

60. As to claims 33 and 89, they feature similar limitations to claim 79 and are rejected on the same basis as claim 79.

Response to Arguments

61. Applicant's arguments filed 7/10/2003 have been fully considered but they are not persuasive. The applicant argues that Ladd does not teach application programming that is advantageously separated into content aspects, presentation aspects and interaction aspects. However, the application programming shown in column 12 of Ladd is independent of content/application logic and presentation requirements since presentation, content, and

Art Unit: 2142

interaction aspects of the application program are dependent upon the interpreter (Number 302 in Figure 4).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

62. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B Blair whose telephone number is 703-305-5267. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell can be reached on 703-305-9703. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Art Unit: 2142

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.

Douglas Blair
September 17, 2003

DBB


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100